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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,327	05/11/2001	Daniel Marcu	PA3479US	7660
22830	7590	10/02/2008		
CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303			EXAMINER SPOONER, LAMONT M	
			ART UNIT	PAPER NUMBER
			2626	
			MAIL DATE	DELIVERY MODE
			10/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/854,327

Applicant(s)

MARCUS, DANIEL

Examiner

LAMONT M. SPOONER

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/S3/00)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Introduction

1. This office action is in response to applicant's amendment filed 10/15/07. Claims 1-33 are currently pending and have been examined.

Response to Arguments

2. Applicant's request for reconsideration, based upon the Appeal Brief filed 6/16/08, of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

3. Applicant's arguments, see Appeal Brief, filed 6/16/08, with respect to the rejection(s) of independent claim(s) 1, 15, and 27 (and thus the dependent claims by inheritance) under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of 35 USC 112. The Examiner notes and concurs with the Applicant's arguments regarding Poznanski (US 5,848,385) in view of Berger (US 6,304,841, which properly incorporates Brown et al, (Brown, US 5,477,451).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C.

112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, applicant claims "repeating said applying, said determining and said setting until occurrence of a termination condition", however "repeating said applying, said determining and said setting until occurrence of a termination condition" does not incorporate the "modified current target language translation" as illustrated in Fig. 4 item 214 of applicant's drawing. More specifically, the "modified current target language translation" is not the "initial current target language translation" found in the applying step. Thus the claim is rendered unclear with regard to a repetitive step that does not involve a new current target language translation set as an initial target language. Thus the repetition is designed as claimed in an unclear manner, as to what specifically is intended of the applying, determining and setting.

More specifically, claim 15 lines 21 and 22 (as presented on applicant's submission 10/15/07) call for "repeating said applying, said determining and said setting until occurrence of a termination condition." However the Examiner notes that a "setting" step is lacking completely from the claim, which renders the claim indefinite. Furthermore, "said ... setting" lacks antecedent basis. In claim 15, lines 3, 4, applicant discusses a "text segment in a source language to be translated into a target language" in lines 19, 20, applicant is "iterative modifying a target language translation of a source language text..." However, it unclear, whether **the** source language text and **the** target language text are the subject of what is being modified, wherein the applicant does not disclose how to "**iteratively**" modify **any** target language translation of **any** "source" language text based on **the** determination, as applicant provides no antecedent to the iteratively modified target language translation of a source language text.

In claim 27, lines 2-6, applicant claims "generate an initial translation as an initial current target language translation, comprising one or more modification operators to be applied to a current target language translation to generate one or more modified target language translations;" The

Examiner is confused, wherein there can be only one “initial translation.” By definition, an initial translation is an initial translation, and a initial current translation, is an initial current translation, however, a modified target language translation, can be an initial current translation, but not an initial translation, despite the possibility that an initial translation can be an initial current target language translation. Therefore it is undetermined how one can **generate an initial translation** as an **initial current target language**, yet the process is comprised with one or more generated target language translations derived from a current target language translation.

In claim 27 lines 18 and 19, applicant claims “a process loop configured to iteratively modify a target language translation of a source language text based on the determination and to repeat,”, wherein the Examiner first notes, “and to repeat” is grammatically confusing wherein the are multiple antecedent items to which “repeat” may be referred. Furthermore, it is not disclosed how the process loop and iteratively modify a target language translation of a source language text (see **any source language text** discussion above, which is another issue) based on the “determination” when the determination only includes “whether one or more of the modified target language translations represents an improved

translation in comparison with the initial current target language translation by comparing...", wherein in order to iteratively modify a target language translation of what should probably be "the" source language text, by context of the invention, it should probably be based on more than a determining step, wherein the determining step simply states, "A" is better or worse than "B", nothing is set, there is no new current target language translation in the determination step. Thus the claim is rendered unclear and indefinite.

Claims 2-14, 16-26 and 28-33 are dependent upon the 35 USC 112 rejected independent claims and are thus also considered indefinite as they inherit the issues described above.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAMONT M. SPOONER whose telephone number is (571)272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571/272-76033.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

lms
8/27/08
/Patrick N. Edouard/
Supervisory Patent Examiner, Art Unit 2626